

EXHIBIT E

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July 6, 2009

VIA E-MAIL

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Re: *Sony Corporation v. Vizio, Inc.*, CV-08-01135 (C.D. Cal.)

Dear Ryan:

I write in response to Vizio's portion of the draft joint stipulation received by Sony on Thursday, July 2, 2009. With respect to the portion regarding Vizio's Interrogatory No. 2, Sony will timely respond pursuant to its obligations under L.R. 37.

Sony was surprised, however, to receive Vizio's portion of the draft joint stipulation with respect to Interrogatory Nos. 15 and 16. Sony did not consider the parties to be at an impasse. Perhaps there has been a misunderstanding between the parties. For the reasons discussed below, Sony requests that Vizio withdraw the draft joint stipulation with respect to Interrogatory Nos. 15 and 16.

Your letter requesting a meet and confer on issues including Sony's responses to Interrogatory Nos. 15 and 16 was sent to Sony on June 9, 2009. On June 18, 2009, the parties met and conferred. As I explained at the meet and confer, there are "multiple custodians" who have information responsive to these Interrogatories and that Vizio should not take as "boilerplate" Sony's previously stated intention to supplement these Interrogatories. (June 18, 2009 Rough Tr. at 78:2-12). We further discussed at the meet and confer whether or not the information Vizio sought was properly responded to by means of Rule 33(d). It was our understanding that

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because Sony was still in the process of locating and producing documents responsive to these Interrogatories, it was unclear to both parties whether Rule 33(d) was an appropriate method. For example, you stated during the meet and confer, "If you have them [documents that answer Vizio's specific questions], point me to the specific ones in the ones that you have..." and I responded, "Well, it's possible there are not answers in those specific documents [already produced] because like I said, you are talking about a lot of documents and a lot of custodians." (June 18, 2009 Rough Tr. at 86:2-10.) Similarly, Todd Kennedy stated that, "it [Rule 33(d)] may very well be the right way to respond to it, especially if documents are the way that these patents are disclosed." You responded, "Okay. Well, your point that you are not sure that it is every way, I'm not either." (*Id.* at 87:15-21.) Thus, Sony understood that while the parties might differ as to whether a narrative response was appropriate or not, it is impossible to determine that question while Sony is in the midst of locating and producing such documents.

For these reasons, I wrote in my letter to you of June 26, 2009 the following:

With regards to Interrogatory Nos. 15 and 16, as previously communicated to you, Sony continues to locate responsive information and will supplement its document production and interrogatory responses shortly. Given that responsive information is still being located and produced to you, Sony believes it is premature for the parties to discuss whether a narrative response is appropriate.

Thus, Sony was surprised to receive the draft joint stipulation on July 2, 2009 that included Interrogatory Nos. 15 and 16.

To the extent Vizio is concerned about any potential delay in receiving additional documents and supplemental responses to these interrogatories, Sony can provide a time frame in which it expects to supplement this interrogatory. Given the number of custodians and the fact that many of these documents were created well over a decade ago, Sony believes that it can complete its discovery responses relating to these topics within 30 days of the date of this letter.

Therefore, Sony proposes that Vizio withdraw its draft stipulation with respect to Interrogatory Nos. 15 and 16. Within 30 days of the date of this letter, Sony will endeavor to complete its discovery responses relating to these topics. At that time, Sony believes it will be clear to the parties whether or not 33(d) is an appropriate response to these Interrogatories, and to the extent necessary, the parties can meet and confer at that time pursuant to L.R. 37.

Please let us know whether or not Vizio accepts Sony's proposal by Tuesday, July 7, 2009 at noon, Pacific time, so that if Vizio refuses, Sony has sufficient time to draft its portion of the joint stipulation. If Vizio agrees, please re-send Vizio's portion of the joint stipulation to include only the portion relating to Interrogatory No. 2. Sony will still provide its portion of the joint stipulation pursuant to the original date of receipt of July 2, 2009.

Very truly yours,

/s/
Peter Klivans